

REMARKS

I. Summary of the Examiner's Action

A. Claim Rejections

As set forth on page 2 of the April 24 Office Action, claims 17 – 19, 21 and 22 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As set forth on page 3 of the April 24 Office Action, claims 17 – 19, 21 and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 3,887,928 to Ohno et al. (hereinafter “Ohno” or “the Ohno patent”).

II. Applicants' Response

A. Rejection under 35 U.S.C. 112, second paragraph

Applicants have amended claim 17 to recite:

“wherein the development of a high voltage by the at least one ring of the same polarity as that applied to the materials being sprayed and the generation of an electric field in the vicinity of the at least one dispensing nozzle by the at least one ring during spraying operations causes the electrostatic spraying device to impart an electrostatic charge to the materials issuing from the at least one nozzle, to focus the material being sprayed, and to generate an iontophoresis effect to enhance material transport through skin when a forward extremity of the ring is brought within a distance of 2 cm of the skin of an earthed subject to be sprayed.”

The subject matter added to claim 17 was taken from original claim 21, now cancelled. Accordingly, no new matter has been added to the claim. Further, Applicants respectfully submit that the amendment obviates the rejection of claims 17 – 19 and 22 on this basis. Applicants therefore respectfully request that the rejection of claims 17 – 19 and 22 on this basis be withdrawn.

B. Rejection under 35 U.S.C. §102(b)

Applicants reproduce claim 17 (as amended) here as a convenience to the Examiner (emphasis added):

17. A portable handheld electrostatic spraying device comprising:
a housing having a first end and a second end, the first end comprising a handle for a user to grasp during spraying operations;
a high voltage generator having a high voltage output;
at least one dispensing nozzle configured to release electrostatically sprayable material during spraying operations, the at least one spraying nozzle positioned near the second end of the housing;
at least one reservoir configured to store materials to be sprayed;
a tube connecting the at least one dispensing nozzle and the at least one reservoir, the tube configured to convey the materials to be sprayed from the at least one reservoir to the at least one dispensing nozzle;
means coupling the high voltage output of the high voltage generator to the materials so that the voltage is conducted through the materials to the materials present at the at least one dispensing nozzle;
at least one ring surrounding the at least one dispensing nozzle, the at least one ring coupled to the high voltage generator, the at least one ring configured to develop a high voltage of the same polarity as that

applied to the materials being sprayed and to generate an electric field in the vicinity of the at least one dispensing nozzle;

wherein the development of a high voltage by the at least one ring of the same polarity as that applied to the materials being sprayed and the generation of an electric field in the vicinity of the at least one dispensing nozzle by the at least one ring during spraying operations causes the electrostatic spraying device to impart an electrostatic charge to the materials issuing from the at least one nozzle, to focus the material being sprayed, and to generate an iontophoresis effect to enhance material transport through skin when a forward extremity of the ring is brought within a distance of 2 cm of the skin of an earthed subject to be sprayed.

Applicants respectfully submit that the emphasized subject matter is neither described nor suggested by Ohno. In particular, an inventive contribution by Applicants is the recognition of problems associated with material delivery through the skin of living subjects to be treated. Applicants also recognized that bulky, stationary solutions of the type that typically incorporate the apparatus of Ohno have insufficient flexibility and hinder the ability of users to flexibly apply material to living subjects. The configuration of Applicants' invention as now claimed overcomes the limitations of the prior art. Accordingly, Applicants respectfully submit that claim 17, as amended, is now patentable over the prior art. Applicants therefore request that the rejection of claim 17, and the claims which depend from claim 17, be withdrawn.

C. New Claim 23

Applicant has added new claim 23. No new matter is added by this claim, which finds support throughout the application as filed. Further, no fees are due for this claim due to the cancellation of independent claim 1 from the case.

III. Conclusion

In view of the foregoing, Applicants respectfully request the prompt allowance of this application.

Respectfully submitted,

October 26, 2009

Date

David M. O'Neill (35,304)

David M. O'Neill (35,304)
786 Townsend Avenue
New Haven, CT. 06512
Telephone: (203) 467-0759

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450 on the date indicated.

October 26, 2009

Date

David M. O'Neill

Name of Person Making Deposit